

IIN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTER DIVISION

CARLTON THURMOND,)
)
Plaintiff,)
v.)
) No.: 08 CV 1747
J. MILLS STAR # 12161,D. BROWN)
STAR # 13369, R.P. HAUSER and other)
UNIDENTIFIED Chicago Police Officers,)
Defendants.) Judge Bucklo
) Magistrate Nolan

JOINT STATUS REPORT

NOW COMES the Plaintiff, CARLTON THURMOND, by and through his attorney, Gigi Gilbert, and Defendants, JOEL MILLS and ROBERT HAUSER, by and through their attorneys, Assistant Corporation Counsel Julia Bruce and for their Joint Status Report, state as follows:

A. Nature of the Case

1. List the attorneys of record for each parting, including the attorney(s) who would try the case if it proceeds to trial.

Plaintiff's Counsel: Gigi Gilbert (Trial Counsel)
Law Offices of Gigi Gilbert
53 W. Jackson, Suite 356
Chicago, Illinois 60604

Defendants' Counsel: Julia S. Bruce (Trial Counsel)
Assistant Corporation Counsel
30 N. LaSalle Street, Suite 1400
Chicago, Illinois 60602-2580

2. Indicate the basis for federal jurisdiction.

Jurisdiction is based upon a federal question pursuant to 42 U.S.C. 1983 and supplemental jurisdiction over state law claims pursuant to 28 U.S.C. 1337.

3. Describe the nature of the claims asserted in the complaint and any counterclaims.

This case arises out of the arrest of plaintiff Carlton Thurmond on July 17, 2006. Plaintiff claims he was arrested while at work for the City of Chicago Department of Streets and Sanitations as a garbage collector. Plaintiff alleges that he was falsely arrested without probable cause, the officers used excessive force against him, and he was maliciously prosecuted for Reckless Conduct under 625 ILCS 5/12-5(a).

4. Provide the name of any party who or which has not been served, and any fact or circumstance related to non-service of process on such party.

None. D. Brown Star # 13369 has not been served. The Office of Legal Affairs has no record of a D. Brown with this star number and has requested additional information from Plaintiff.

5. List the principal legal issues in the case.

Plaintiffs allege claims of false arrest without probable cause, excessive force, and malicious prosecution against defendants. Defendants have asserted affirmative defenses of qualified immunity, immunity under the Tort Immunity Act, 745 ILCS 10/2-201, and comparative negligence, 735 ILCS 5/2-1116 and failure to mitigate damages and have filed a motion to dismiss P's state law malicious prosecution claim.

6. Describe the principal factual issues.

The parties agree that plaintiff was arrested without a warrant. The parties disagree as to whether or not Defendants had probable cause to arrest Plaintiff and the events giving rise to the arrest. The parties also disagree as to whether or not Defendants used greater force than necessary or reasonable in the arrest of Plaintiff. The parties disagree as to the nature and extent of the verbal and physical exchanges that occurred prior to and at the time of the arrest. Further, the parties disagree as to whether or not Defendants properly instituted criminal proceedings against Plaintiff for Reckless Conduct. Plaintiff maintains that defendants commenced the criminal proceedings against him without probable cause and with malice, while defendants maintain that they did not and Plaintiff is beyond the statute of limitations for this cause of action. Lastly, the parties disagree as to the nature and extent of plaintiffs' damages.

7. Note whether a jury trial has been demanded by any party.

Both Plaintiff and Defendants have demanded trial by jury.

B. Proceedings to Date

1. Provide a summary description (including dates) of all substantive rulings that have been issued in the case.

None.

2. Describe briefly all pending motions, including the date each motion was filed, and set forth all current briefing schedules on such motions.

Defendants' have filed a Motion to Dismiss. The motion has now been fully briefed and the court is scheduled to rule by mail by August 7, 2008.

3. Identify any anticipated motions.

None

4. Provide a copy of the most recent scheduling order that has been entered.

None.

5. Provide a copy of any written status reports that have been filed.

None.

C. Discovery

1. Identify the date that discovery began.

None.

2. Describe discovery that has been taken to date and any remaining discovery.

The parties anticipate both written and oral discovery.

3. Note whether a discovery cutoff has previously been set.

None.

4. Identify any pending discovery disputes.

None.

5. If there is no existing discovery cutoff, suggest a cutoff date.

December 1, 2008.

D. Trial

1. State whether the case is ready for trial.

This case is not yet ready for trial.

- 2. If so, identify the earliest date the parties would be ready to commence a trial.**

February 1, 2008.

- 3. Provide the estimated length of trial.**

The trial in this matter will likely last 3-4 days.

- 4. Identify whether a final pre-trial order has been filed or is in the process of being prepared.**

A final pre-trial has not been filed and is not in the process of being prepared.

- 5. State whether the parties unanimously consent to proceed before a United States Magistrate Judge.**

At this point, the parties have not agreed to consent to proceed before a United States Magistrate Judge.

E. Settlement

- 1. Provide the status of any settlement discussions to date.**

There have been no settlement discussions thus far and no settlement demand has been made to date.

- 2. Note whether the parties request a settlement conference.**

Respectfully submitted by:

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